

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6720 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? -
2. To be referred to the Reporter or not? -

3. Whether Their Lordships wish to see the fair copy of the judgement? -
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -
5. Whether it is to be circulated to the Civil Judge?

Versus

Appearance:

MR PRANAV G DESAI for Respondent No. 1

Date of decision: 06/10/98

By means of this petition, the petitioner sought for quashing the impugned dismissal order dated 6-7-1988 of the Municipal Corporation, Vadodara.

2. The petitioner was appointed in the cadre of Jr. Clerk in the year 1964 in the respondent - Corporation and he was discharging his duties as Recovery Inspector in Ward No. D-4 of Vadodara since 1974-75. He was not attending his duty from 1-1-1987 without giving report of leave of any kind and without obtaining written permission. It was presumed that he was guilty of serious negligence towards his duty. Various written notices were sent to him to resume his duty. But the petitioner did not attend the office nor any reply was made by him to the respondent - Corporation and therefore by the impugned order he was dismissed from the service.

3. Learned counsel for the petitioner submitted that the petitioner moved a representation on 1-9-1987 for sanctioning leave. The learned counsel for the petitioner makes a statement that the petitioner wants to make a fresh representation before the proper authority and the proper authority be directed to consider the same sympathetically within a period of three months.

4. Mr. Pranav G. Desai appeared on behalf of the respondent - Corporation.

5. In the facts and circumstances of the case, I think it proper to direct the petitioner to make a representation along with a certified copy of this order before the respondent - Corporation against his grievances within a period of two weeks from today and in case any such representation is made by the petitioner the respondent - Corporation is directed to consider and decide the representation of the petitioner within a three months thereafter, in accordance with law.

6. With these observations, this petition is disposed of. Rule is discharged, with no order as to costs. In case, the representation of the petitioner is rejected, the petitioner would be at liberty to take recourse of law.

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